

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CLOUDING IP, LLC, )  
                        )  
Plaintiff,           )  
                        )  
v.                    ) C.A. No. 13-1341 (LPS)  
                        )  
HEWLETT-PACKARD COMPANY,     ) **JURY TRIAL DEMANDED**  
                        )  
Defendant.           )

**HEWLETT-PACKARD COMPANY'S REPLY BRIEF  
IN SUPPORT OF MOTION TO BIFURCATE DAMAGES FROM LIABILITY AND  
TO STAY DAMAGES-RELATED FACT AND EXPERT DISCOVERY**

In its Opposition to Defendant Hewlett-Packard Company's ("HP's") Motion (D.I. 21), Plaintiff Clouding IP, LLC ("Clouding") incorporates by reference its briefs in opposition to the motions in the related cases. D.I. 26. Clouding fails to address HP's points, including the efficiencies to be gained on this issue by the Court in coordinating the numerous Clouding actions before trial.

Further, HP is aware that these arguments have been addressed in the replies of defendants in those cases. C.A. No. 12-639-LPS at D.I. 130; C.A. No. 12-1078-LPS at D.I. 118, C.A. No. 12-641-LPS at D.I. 141, and C.A. No. 12-675-LPS at D.I. 146. For the convenience of the Court, those replies and related briefing are hereby incorporated by reference and not repeated.

HP respectfully requests that the Court order bifurcation of the liability and damages portions of this case and stay damages-related fact and expert discovery pending this Court's resolution of liability issues. Alternatively, if the Court decides that it should determine the issue of bifurcation later in the case, HP requests that the Court stay discovery related primarily to damage issues until the Court's ruling on claim construction. That would allow the parties to

determine which products, if any, remain in the case and focus their discovery appropriately. It would also avoid the cost of expensive discovery into damage issues on products that are not in the case. And, it would permit the parties adequate time to complete any needed discovery on the issue of damages. Thus, no party would be prejudiced by this procedure.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Paul Saindon*

---

Jack B. Blumenfeld (#1014)  
Paul Saindon (#5110)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
psaindon@mnat.com

OF COUNSEL:

Paul Alexander  
ARNOLD & PORTER LLP  
1801 Page Mill Road  
Palo Alto, CA 94304-1216  
(650) 798-2920

*Attorneys for Defendant*

Denise L. McKenzie  
ARNOLD & PORTER LLP  
777 South Figueroa Street  
44th Floor  
Los Angeles, CA 90017-5844  
(213) 243-4000

Emily Hostage  
ARNOLD & PORTER LLP  
Three Embarcadero Center  
7th Floor  
San Francisco, CA 94111-4024  
(415) 471-3100

January 15, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 15, 2014, upon the following in the manner indicated:

Richard D. Kirk, Esquire  
Stephen B. Brauerman, Esquire  
Vanessa R. Tiradentes, Esquire  
BAYARD, P.A.  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801

*VIA ELECTRONIC MAIL*

Marc. A. Fenster, Esquire  
Dorian S. Berger, Esquire  
Brian Ledahl, Esquire  
RUSS, AUGUST & KABAT  
12424 Wilshire Boulevard, 12<sup>th</sup> Floor  
Los Angeles, CA 90025

*VIA ELECTRONIC MAIL*

*/s/ Paul Saindon* \_\_\_\_\_  
Paul Saindon (#5110)